

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

BOGGS PAVING, INC.,

Plaintiff,

v.

LIBERTY MUTUAL FIRE INSURANCE
COMPANY,

Defendant.

Case No.: 0:19-cv-00161-JMC

ORDER

THIS COURT has been advised by counsel for both parties that the claims have been settled and they have agreed on terms for dismissal of this action.

NOW THEREFORE, THIS COURT HEREBY ORDERS that this action be dismissed without prejudice. If the parties' settlement is not consummated within a reasonable time, either party may, within sixty (60) days of the date of entry hereof, petition the Court to vacate this order, reinstate these claims and restore them to the calendar. *See* Fed. R. Civ. P. 60(b)(6). In the alternative, to the extent permitted by law, either party may, within 60 days of entry of this order, petition the court to enforce the settlement. *Fairfax Countywide Citizens v. Fairfax Cnty.*, 571 F.2d 1299 (4th Cir. 1978). By agreement of the parties, this Court retains jurisdiction to enforce the settlement. *Kokkonen v. Guardian Life Ins.*, 511 U.S. 375, 381-82 (1994). This dismissal shall be with prejudice if the settlement is consummated or if no action is taken under either alternative above within sixty (60) from entry of this order.

IT IS SO ORDERED.



J. Michelle Childs
United States District Judge

February 12, 2020